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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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EMILY JOHNSON,   )
) CASE NO. C10-1650TSZ
                    Plaintiff,   )
07   )
        v.   ) MINUTE ORDER
08   )
STATE FARM MUTUAL   )
09 AUTOMOBILE INSURANCE   )
COMPANY,   )
10   )
                    Defendant.   )
11 _____   )

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        The following Minute Order is made by direction of the Court, the Honorable
13 Thomas S. Zilly, United States District Judge:

14   (1)   State Farm's Motion for Partial Summary Judgment to dismiss the IFCA
Claim, docket no. 44, is hereby DENIED.   Before bringing a claim under the Insurance
15 Fair Conduct Act ("IFCA"), a claimant must give twenty days written notice to the
insurer.   RCW 48.30.015(8)(a).   "If the insurer fails to resolve the basis for the action
16 within the twenty-day period after the written notice by the first party claimant, the first
party claimant may bring the action without any further notice."   RCW
17 48.30.015(8)(b).   By letter dated April 8, 2010, Ms. Johnson sent State Farm a notice
letter under the IFCA giving State Farm twenty days notice as required by law.   Ex. C.
18 to Decl. of Vasudev N. Addanki in Supp. of State Farm's Mot. for Partial Summ. J. on
IFCA Claim ("Addanki Decl.") (docket no. 45-3).   On April 22, 2010, State Farm
19 wrote to Ms. Johnson that they were extending an offer in the amount of $200,000 to
settle her claim.   Ex. D. to Addanki Decl.   However, it is undisputed that State Farm
20 failed to resolve the basis for Ms. Johnson's action within the twenty-day period.   As a
result, Plaintiff was entitled to bring this claim under the IFCA as a matter of law.
21 Material issues of fact exist as to whether State Farm unreasonably denied Ms. Johnson
payment of benefits.   See RCW 48.30.015(1).
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02   (2)   The Clerk is directed to send copies of this Minute Order to all counsel of record.

03   Filed and entered this 3rd day of February, 2012.

04   WILLIAM M. McCOOL, Clerk

05   s/ Claudia Hawney

06   By: _____
                                   Claudia Hawney
07   Deputy Clerk

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